

Turke & Strauss LLP

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July 26, 2023

VIA ECF FILING & FAX (212) 805-7942)

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

So ordered. The motion to dismiss (ECF No. 15) is stayed pending resolution of the motion for discovery.

/s/ Alvin Hellerstein
July 27, 2023

Re: *Del Rosario, et al. v. Baldor Specialty Foods, Inc., 1:23-cv-03580-AKH*

Dear Judge Hellerstein,

I represent Plaintiffs in the above-captioned action. On July 12, 2023, Defendant Baldor Specialty Foods, Inc. filed a motion to dismiss Plaintiffs' Amended Complaint under Rules 12(b)(1) and 12(b)(6). Docs. 15, 16. In support of that motion, Defendant submitted two declarations and certain exhibits. Docs. 17, 18, 18-1, 18-2, 18-3. Plaintiffs' response to Defendant's motion is currently due on August 9, 2023, with Defendant's reply due on August 23, 2023. Doc. 14.

Plaintiffs intend to file a motion seeking leave to conduct jurisdictional discovery related to Defendant's factual challenge to their Article III standing, which relies on the declarations and other materials Defendant submitted. That motion will be filed by the end of the day today, July 26, 2023, and will be opposed by Defendant. As a result, the parties jointly request that the current motion to dismiss briefing deadlines be stayed until Plaintiffs' forthcoming motion is ruled on, at which time an amended briefing schedule can be set.

This joint request is the second request related to the motion to dismiss briefing schedule. The parties previously agreed on an extension of time for Defendant to respond to the Amended Complaint and a briefing schedule for that motion. Doc. 13. The parties' request for a stay of the motion to dismiss briefing deadlines does not affect any other scheduled dates.

Very truly yours,

TURKE & STRAUSS LLP

A handwritten signature in black ink, reading "Raina Borrelli". The signature is written in a cursive, flowing style.

Raina C. Borrelli

Cc: Todd Rosenbaum (via ECF)